

THE UNIVERSITY OF HUDDERSFIELD

Equality Impact Assessment Toolkit

Guidance Notes

Equality Impact Assessment (EIA)

1. Introduction

Equality Impact Assessment (EIA) enables the University to evidence that we are meeting our legal duty to promote equality as well as helping to create an inclusive learning and working environment. It is a predictive tool to enable us to evaluate the potential future impact of a new or revised policy, procedure or practice (referred to collectively in this guidance as a policy) before it is implemented.

An EIA should be undertaken on any policy that impacts on people. This is because there may be a possibility that it impacts on people differently and therefore under the Equality Act 2010 we need to ensure that we have paid due regard to eliminate any negative differential impact.

There are three elements to the Equality Duty:

- Eliminating unlawful discrimination
- Advancing equality of opportunity
- Fostering good relations.

The following characteristics are protected from discrimination by the Equality Act 2010 and should be considered when undertaking an EIA:

- Age
- Disability
- Sex
- Marriage and civil partnership (in employment)
- Race
- Religion or belief
- Pregnancy and maternity
- Sexual orientation
- Gender reassignment

The EIA process helps you consider the effects of a policy on anyone identifying with the protected characteristics in order to be able to take action to prevent discrimination.

The EIA should be undertaken at the formative stage so that it is integral to the decision-making process. It should not be done, therefore, after proposals have been adopted. An EIA can be updated during implementation of the proposals as required.

The public sector equality duty does not prevent the University from making difficult decisions such as restructures and redundancies or decisions affecting one group more than another group. Rather, it provides an opportunity to consider how decisions impact on people with protected characteristics. It also provides an audit

trail, enabling the University to demonstrate its decisions are fair and transparent and take account of the needs and impacts on different groups.

Who should carry out an EIA?

The person conducting an EIA should have a detailed understanding of the policy and policy area and in a position to ensure changes are made where they may be needed. Usually this is the person responsible for developing the policy, with support from senior management. Help and advice on undertaking an EIA is available from Olivia Briddon, Senior HR Officer (EDI) email o.bridddon@hud.ac.uk

2. Equality Relevance and Proportionality

In order to determine if an EIA is required, we need to assess the likely impact that the policy may have and the relevance of the activity to equality. It is likely that all policies that affect people are equality relevant to some degree. Highest priority and greatest resources should be given to EIA of policies that impact most on those individuals with a protected characteristic, and that offer the greatest opportunities to improve equality.

For some policies, the relevance of the activity to equality is obvious, while for others less so. For example, if we think about work-life balance policies, it is clear that gender issues are central. On the other hand, we may initially consider a technical function as IT to be equality neutral, but on close examination we realise that there are important disability equality implications for this area of work.

3. Data and Consultation

One of the big challenges with conducting an EIA is having a sufficient and proportionate amount of evidence to complete the analysis in a meaningful way.

Consider the following points to help with your analysis:

- The principle of **proportionality and relevance** should be considered – it is likely that you will allocate fewer resources to collecting evidence for a policy with low equality relevance than one which has high equality relevance. The higher the potential for negative impact the more comprehensive the consultation will need to be.
- Consider existing **staff and student profile data** and what effect the policy could have on the workforce and student composition. **Quantitative and qualitative** data is very useful evidence, particularly in identifying the outcomes and experiences of different groups. Quantitative data is important to help identify issues such as under-representation or different outcomes. The University collects internal equality monitoring data in relation to protected characteristics which can be used where appropriate and relevant to the area under assessment. Further information for staff data can be requested through HR by emailing hr@hud.ac.uk and student data through Planning by emailing planning.team@hud.ac.uk **Qualitative information** such as feedback from students, staff and service users can also provide context. Those most likely to be affected are the most important to consult,

such as the University's staff and student equality networks. Further information can be requested from Olivia Briddon, o.brididon@hud.ac.uk for staff networks and the Student's Union students.union@hud.ac.uk for student networks. Focus groups and questionnaires are also useful measures. Further information could take the form of anecdotal or other evidence through complaints, concerns, comments etc.

- For restructures/reorganisations, please contact Olivia Briddon, o.brididon@hud.ac.uk who will assess relevant equality monitoring data, please refer to appendix 2 for useful points to consider.
- As a guide, where specific statistics on the change do not exist in-house, trends may be extracted from **external data sources** such as census data, published research or guidance about issues relating to the protected characteristic concerned.

The important point to note is that gathering evidence should take place before decisions are made. If adverse impacts are identified, consideration needs to be given to how to mitigate or minimise the effects of the decision. The reason for continuing with the change despite negative impacts being identified must be documented in case of challenge.

4. Analysis

When analysing the data, look for significant or noticeable differences between different people and groups. Look out for possible and actual barriers for particular groups: does anything present disadvantage for different groups, or prevent them from taking full advantage? Please refer to the checklist in appendix 1 which is designed to prompt and stimulate thought around certain equality issues.

If your analysis identifies that your policy has an adverse impact on a particular group, changes should be sought to address that. Where adverse impact is identified but thought to be unavoidable, this needs to be checked to ascertain whether it can be justified legally or whether it constitutes to discrimination under the Equality Act 2010. If the policy can be demonstrated to be what is called a 'proportionate means of achieving a legitimate aim' then it may not be unlawful discrimination. Justification may include where positive action is being undertaken or for reasons of health and safety or business efficiency. Please contact Olivia Briddon, Senior HR Officer (EDI) o.brididon@hud.ac.uk if you require advice on this.

5. Decision

At this point the policy owner must make a decision based on all relevant information and record their reasons.

Your decision should be one of the following:

- **No major change** – your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.

- **Adjust the policy** – this involves taking steps to remove barriers or to better advance equality.
- **Continue the policy** – this means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate.
- **Stop and remove the policy** – if there are adverse effects that are not justified and cannot be mitigated, you will need to consider stopping the policy altogether.

Keep a copy of the completed EIA and any associated documents, communications, data, or information for future reference in order to evidence and justify your decisions.

6. Action planning

If actions are identified as a result of carrying out the EIA, it is important to document this in an action plan (see template EIA).

The action plan may include the following:

- Monitoring arrangements for actual impact on different groups (e.g. staff students, other service users, stakeholders etc)
- Any further consultation or additional evidence to be collected
- Actions identified to reduce or mitigate adverse impacts
- Any additional actions identified or required

Remember that the purpose of an EIA is not just to address discrimination or adverse impact, but also to consider how different needs can be met (advancing equality), and how relations between different groups can be enhanced.

7. Publication

Once an EIA has been completed, a copy should be forwarded to Olivia Briddon, Senior HR Officer (EDI), o.bridon@hud.ac.uk. A central collection of EIAs can then be developed and published on the University website, as appropriate. However sensitive data which would identify individuals will be removed before publication.

Appendix 1 - Checklist

The following checklist covers the 9 protected characteristics and identifies common issues in relation to specific needs. It is intended to prompt and stimulate thought around equality issues. It is *not* an absolute list of issues and you can, of course, consider factors in addition to those here that are relevant to your area of activity.

Protected Characteristic	Specific needs to consider
AGE	<ul style="list-style-type: none">• Timings of seminars/meetings – essential evening seminars and meetings normally held in daytime lessons can be barriers for staff/students with caring responsibilities.• Access to promotion and training being regardless of age and retirement date.
DISABILITY	<ul style="list-style-type: none">• Accessible environments – think about your service and how people access it.• Accessible information and materials – appropriate alternative formats.• Provide useful access information where appropriate (such as the alternative routes, location of accessible toilets and parking spaces)• Provide information on student and staff disability support services as appropriate
SEX	<ul style="list-style-type: none">• Impact of caring responsibilities (females and males) and resultant need for flexibility, part-time arrangements• Timings of seminars/meetings – essential evening seminars and meetings normally held in daytime lessons can be barriers for staff/students who are lone parents.• Positive images of gender equality
MARRIAGE & CIVIL PARTNERSHIP	<ul style="list-style-type: none">• Service provision for married staff/students/visitors being the same for partners.• Access to family-friendly employment policies being equal for married spouses and Civil partners.
RACE	<ul style="list-style-type: none">• Overseas students/staff with English as a second language – videos used as a teaching tool having subtitles and audio commentary to meet the needs of international bilingual students.• Impact of international/home status (cultural differences).• Impact of ethnicity.• Where a group are a small minority (e.g. in a discipline), they may need additional support to prevent feelings of exclusion

RELIGION OR BELIEF	<ul style="list-style-type: none"> • Dietary requirements (food and drink) – not being a barrier to attend/participate • Prayer times/access to facilities • Religious sensitivity • Consideration of major religious festival dates • Highlight things that might be an issue for people with religious beliefs – mixed groups, alcohol, food and accommodation arrangements etc. – so they are informed beforehand • Point of contact for people who need to discuss their specific requirements/queries.
SEXUAL ORIENTATION	<ul style="list-style-type: none"> • Reassurances of confidentiality if people need to reveal their sexuality or details of next of kin • Use of inclusive language that doesn't exclude same-sex couples • Clarity/confirmation that 'partners' includes same sex or civil partners • Inclusive rights such as family benefits of same sex partners/spouses. • Positive images/communications to demonstrate an inclusive employer
PREGNANCY AND MATERNITY	<ul style="list-style-type: none"> • Pregnancy may prevent participation in some activities • Are different arrangements needed for women who cannot participate due to pregnancy or maternity leave • Do you need to keep women on maternity leave informed? • Do you need special arrangements for women returning from maternity leave? • Timings of seminars/meetings – essential evening seminars and meetings normally held in daytime lessons can be barriers for staff/students who are expecting or have just had a baby.
GENDER REASSIGNMENT	<ul style="list-style-type: none"> • Be aware that some people do not view gender as a male/female binary and may choose not to define as either • Confidentiality and disclosure – the right of the staff/student to maintain their confidentiality of their previous identity needs to be secured. • 'Gender neutral' toilets and changing facilities are ideal, but not always available. People who are trans will often use the facilities that most closely align with their gender identity.

Appendix 2 - Restructure & Reorganisation

Key considerations:

- What is the impact or likely impact of the restructure/reorganisation overall and on specific groups? (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation).
- Identify the impact in terms of staff and services to students or others.
- Identify any adverse impacts and discrimination (direct and indirect).
- Can the adverse impact be explained (is it justifiable, legitimate or proportionate?)
- If impact is not immediately clear because the outcomes will not be obvious, state when and what you will do to identify these (put into EIA Action Plan).

Considering the impact on students/service users:

- Will there be a reduction in the modules on a course? If so what is the diversity profile of the students who choose to study this course? To do this you will need to gather information on the diversity profile of the students by protected characteristic (as far as is available).
- Will the restructuring result in the reduction of a service to students or others? If so, is the service used more by a group who share protected characteristic such as disabled students?
- Could there be a specific impact for any of the protected characteristic groups if there is a change or reduction in the course modules/service or the way it is provided?
- Will courses or services be provided in a different way e.g. different time of day or different venue? How could this impact on different groups? Remember that a change in provision could make some services more accessible to some and this should also be recorded.

Considering impact on staff:

- Does the analysis of the staff diversity profile highlight that the staff involved represent a higher percentage of one characteristic than another?
- If so is there anything that can be done to minimise the impact e.g. reasonable adjustments for disabled staff, part time working opportunities if more women are working part time?
- Could there be a specific impact for any of the protected characteristic groups as a result of the restructure/reorganisation?
- Are there grades where there are a higher percentage of a protected characteristic group at risk?
- Consider the new structure: are there changes to the provision of service/courses (e.g. timings, location)? Will this cause a problem for the working patterns of a particular group or will it provide more opportunities?